

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

BOBBY DARRYL NOEL

PLAINTIFF

v.

CIVIL ACTION NO.: 3:11CV105-MPM-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

REPORT AND RECOMMENDATION

Plaintiff initiated this action by filing the Complaint [Doc. 1] and his Motion to proceed *in forma pauperis* [Doc. 2] on August 10, 2011. At all relevant times herein, plaintiff has been represented by counsel. Plaintiff's Motion to proceed *in forma pauperis* was granted by Order [Doc. 3] dated August 16, 2011, and process was issued for the defendant. Defendant answered the Complaint on October 24, 2011 [Doc. 6]; and by Order [Doc. 8] dated October 25, 2011, plaintiff was directed to file his brief in support of the Complaint within thirty days. On November 28, 2011, the court granted the plaintiff's motion [Doc. 10] for additional time until January 13, 2012, in which to file his brief.

Because the plaintiff failed to meet the extended deadline, by Order [Doc. 13] the plaintiff was allowed seven days to show cause why this case should not be dismissed for failure to obey an order of the court and for failure to prosecute. Now, it has been over seven days since entry of the Show Cause Order, and plaintiff has yet to respond. Therefore, it is my recommendation that this case be dismissed for plaintiff's failure to prosecute and for his failure to obey an order of the court.

The parties are referred to L. U. Civ. R. 72(a)(3) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 17th day of February, 2012.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE